

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

*Plaintiff(s)*

v.

Carlos Rodriguez, John R. Burch, Charles Keates,  
 Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,  
 Thomas Brunner, Gary Atwell, Susan Atwell, Larry  
 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
 and Jennifer Coll, individually and as trustee for  
 unknown beneficiaries  
*Defendant(s)*

Civil Action No. 17 Civ. 821 (JPO)

and Sears Holdings Corp., Nominal Defendant

## SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: (Defendant's name and address)

Address for both Defendants:  
 625 Bodwell Street Extension  
 Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber  
 MIRIAM TAUBER LAW  
 885 Park Ave 2A  
 New York NY 10075  
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk

## RETURN OF SERVICE

<b>Case:</b> 1:17-CV- 00821-JPO	<b>Court:</b> United States District Court for the Southern District of New York	<b>County:</b>	<b>Job:</b> 2251960 (Rubenstein v Sears)
<b>Plaintiff / Petitioner:</b> AARON RUBENSTEIN		<b>Defendant / Respondent:</b> CARLOS RODRIGUEZ, et al.	
<b>Received by:</b> Michael R. Meyer - CPS2016/SPS1460		<b>For:</b> Legal Ease Inc.	
<b>To be served upon:</b> ROBERT RUBIN			

I, Michael R. Meyer - CPS2016/SPS1460, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected. I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** ROBERT RUBIN, 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018

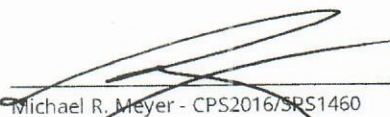
**Manner of Service:** Posted, May 7, 2018, 6:12 am EDT

**Documents:** Summons (Received May 4, 2018 at 8:25am EDT), Second Amended Complaint, including Exhibits (Received May 4, 2018 at 8:25am EDT)

**Additional Comments:**

- 1) Unsuccessful Attempt: May 4, 2018, 3:38 pm EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. Residents are avoiding contact. Security and the female neighbor at 19 confirmed residency of both defendants. No answer or movement at courtyard door. I rang the buzzer several times but there was no response. There was a yard maintenance invoice and a USPS package for Robert Rubin at the door (photo available). There are also multiple cameras on the property. While returning from speaking to the neighbor at 19 I witnessed the door to the garage closing. I saw a dark colored BMW convertible with a Florida tag in the garage, but the door was already half closed when I saw it so I was unable to see the person that came out of the garage and retreated before I could catch them. I announced my purpose and knocked a few more times, but no one responded. I know that someone came out of the garage because after it closed the package and invoice that were on the courtyard door were now gone.
- 2) Unsuccessful Attempt: May 5, 2018, 9:44 pm EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. No answer or movement inside. Package for Nancy Rubin at the door. Photo available.
- 3) Unsuccessful Attempt: May 7, 2018, 6:11 am EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. No answer or movement inside. Package for Nancy Rubin at the door.
- 4) Successful Attempt: May 7, 2018, 6:12 am EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018 received by ROBERT RUBIN.  
Posted documents to a white double door of a one story single family home with gray stucco.

Under penalties of perjury, I swear or affirm that, pursuant to Fla. Stat. 92.525 that I have read the foregoing and the facts stated there are true. I am over the age of 18, I have no interest in the above action, and am a Certified Process Server in good standing in the county in which service was made.

  
Michael R. Meyer - CPS2016/SPS1460

  
Date

Legal Ease Inc.  
205 East 42nd Street 20th Floor  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein,

Plaintiff,

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.

Defendants.


STATE OF NEW YORK}  
COUNTY OF NEW YORK}ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY;

On May 7, 2018, I mailed a copy of the within SUMMONS, SECOND AMENDED COMPLAINT to ROBERT RUBIN, defendant therein named, at 17 SAINT JAMES DRIVE, PALM BEACH GARDENS, FL. 33418-4018, his/her last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

Sworn to before me this  
7<sup>th</sup> day of May 2018.

NOTARY PUBLIC

  
Bruce Lazarus  
Lic. 1346142

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018





Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to the USPS for mailing. This form may be used for domestic and international mail.

From:

LE  
205 E. 42ND ST  
20TH FL  
NYC 10017

To:

ROBERT RUBIN  
17 SAINT JAMES DR.  
PALM BEACH GARDEN  
FL 33418-4018

PS Form 3817, April 2007 PSN 7530-02-000-9065

1.000



U.S. POSTAGE  
PAID  
NEW YORK, NY  
MAY 07 18  
AMOUNT  
\$1.40  
R230/5105619-18

AO 440 (Rev. 06-12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

*Plaintiff(s)*

v.

Carlos Rodriguez, John R. Burch, Charles Keates,  
 Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,  
 Thomas Brunner, Gary Atwell, Susan Atwell, Larry  
 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
 and Jennifer Coll, individually and as trustee for  
 unknown beneficiaries  
*Defendant(s)*

Civil Action No. 17 Civ. 821 (JPO)

and Sears Holdings Corp., Nominal Defendant

## SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: *(Defendant's name and address)*

Address for both Defendants:  
 625 Bodwell Street Extension  
 Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Miriam Tauber  
 MIRIAM TAUBER LAW  
 885 Park Ave 2A  
 New York NY 10075  
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) ROBERT RUBIN, 625 BODWELL ST.  
 was received by me on (date) 5/1/18 AVON, MA

☐ I personally served the summons on the individual at (place) \_\_\_\_\_

on (date) \_\_\_\_\_ : or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_

, a person of suitable age and discretion who resides there.

on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) BRAD RUBIN, V.P. (WHITE MALE, 55 Y.O., 5'9", 175-610 LB), who is  
 designated by law to accept service of process on behalf of (name of organization) ROBERT RUBIN

on (date) 5/4/18 : or

☐ I returned the summons unexecuted because \_\_\_\_\_

: or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 5/4/18

Mark Nicol  
 Server's signature

MARK NICOL - PROCESS SERVER  
 Printed name and title

PO BOX 889103  
MILTON, MA 02186  
 Server's address

Additional information regarding attempted service, etc:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Aaron Rubenstein,

Plaintiff,

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.

Defendants.


\_\_\_\_\_  
STATE OF NEW YORK}  
COUNTY OF NEW YORK} ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY;

On May 9, 2018, I mailed a copy of the within SUMMONS, SECOND AMENDED COMPLAINT to ROBERT RUBIN, defendant therein named, at 625 Bodwell Street Extension, Avon, MA 02322, his/her business address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

Sworn to before me this  
9<sup>TH</sup> day of May 2018.

\_\_\_\_\_  
NOTARY PUBLIC

  
Bruce Lazarus  
Lic. 1346142

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018

AO 440 (Rev. 06-12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

Plaintiff(s)

v.

Carlos Rodriguez, John R. Burch, Charles Keates,  
Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,  
Thomas Brunner, Gary Atwell, Susan Atwell, Larry  
Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
and Jennifer Coll, individually and as trustee for  
unknown beneficiaries

and Sears Holdings Corp., Nominal Defendant

Civil Action No. 17 Civ. 821 (JPO)

SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: (Defendant's name and address)

Address for both Defendants:  
625 Bodwell Street Extension  
Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber  
MIRIAM TAUBER LAW  
885 Park Ave 2A  
New York NY 10075  
or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk





## RETURN OF SERVICE

<b>Case:</b> 1:17-CV-00821-JPO	<b>Court:</b> United States District Court for the Southern District of New York	<b>County:</b>	<b>Job:</b> 2251979 (Rubenstein v Sears)
<b>Plaintiff / Petitioner:</b> AARON RUBENSTEIN		<b>Defendant / Respondent:</b> CARLOS RODRIGUEZ, et al.	
<b>Received by:</b> Michael R. Meyer - CPS2016/SPS1460		<b>For:</b> Legal Ease Inc.	
<b>To be served upon:</b> NANCY RUBIN			

I, Michael R. Meyer - CPS2016/SPS1460, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected. I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** NANCY RUBIN, 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018


**Manner of Service:** Posted, May 7, 2018, 6:12 am EDT

**Documents:** Summons (Received May 4, 2018 at 8:25am EDT), Second Amended Complaint, including Exhibits (Received May 4, 2018 at 8:25am EDT)

**Additional Comments:**

- 1) Unsuccessful Attempt: May 4, 2018, 3:32 pm EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. Residents are avoiding contact. Security and the female neighbor at 19 confirmed residency of both defendants. No answer or movement at courtyard door. I rang the buzzer several times but there was no response. There was a yard maintenance invoice and a USPS package for Robert Rubin at the door (photo available). There are also multiple cameras on the property. While returning from speaking to the neighbor at 19 I witnessed the door to the garage closing. I saw a dark colored BMW convertible with a Florida tag in the garage, but the door was already half closed when I saw it so I was unable to see the person that came out of the garage and retreated before I could catch them. I announced my purpose and knocked a few more times, but no one responded. I know that someone came out of the garage because after it closed the package and invoice that were on the courtyard door were now gone.
- 2) Unsuccessful Attempt: May 5, 2018, 9:43 pm EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. No answer or movement inside. Package for Nancy Rubin at the door. Photo available.
- 3) Unsuccessful Attempt: May 7, 2018, 6:10 am EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018  
Attempt made not served. No answer or movement inside. Package for Nancy Rubin at the door.
- 4) Successful Attempt: May 7, 2018, 6:12 am EDT at 17 SAINT JAMES DR, PALM BEACH GARDENS, FL 33418-4018 received by NANCY RUBIN.  
Posted documents to a white double door of a one story single family home with gray stucco.

Under penalties of perjury, I swear or affirm that, pursuant to Fla. Stat. 92.525 that I have read the foregoing and the facts stated there are true. I am over the age of 18, I have no interest in the above action, and am a Certified Process Server in good standing in the county in which service was made.

  
Michael R. Meyer - CPS2016/SPS1460

  
Date

Legal Ease Inc.  
205 East 42nd Street 20th Floor  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein,

Plaintiff,

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.

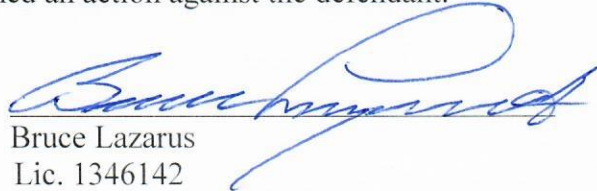
Defendants.

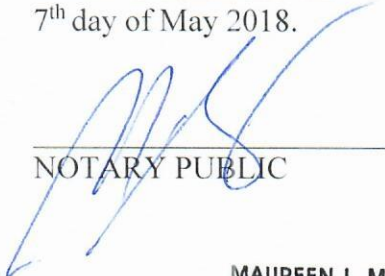
STATE OF NEW YORK}  
COUNTY OF NEW YORK} ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY;

On May 7, 2018, I mailed a copy of the within SUMMONS, SECOND AMENDED COMPLAINT to NANCY RUBIN, defendant therein named, at 17 SAINT JAMES DRIVE, PALM BEACH GARDENS, FL. 33418-4018, his/her last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

Sworn to before me this  
7<sup>th</sup> day of May 2018.

  
Bruce Lazarus  
Lic. 1346142

  
NOTARY PUBLIC

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018



Certificate Of Mailing

This Certificate of Mailing provides evidence that this form may be used for proof of mailing.

From:

4/2  
205 E. 42ND ST.  
20TH FL  
NYC 10017

To:

NANCY RUBEN  
17 SAINT JAMES DR  
PALM BEACH GARDEN  
FL 33418-4018

PS Form 3817, April 2007 PSN 7530-02-000-9065

1000



U.S. POSTAGE  
PAID  
NEW YORK, NY  
MAY 7 2018  
\$1.40  
AMOUNT  
R2304E105619-18



AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

Plaintiff(s)

v.

Carlos Rodriguez, John R. Burch, Charles Keates,  
 Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,  
 Thomas Brunner, Gary Atwell, Susan Atwell, Larry  
 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,  
 and Jennifer Coll, individually and as trustee for  
 unknown beneficiaries  
 Defendant(s)

Civil Action No. 17 Civ. 821 (JPO)

and Sears Holdings Corp., Nominal Defendant

## SUMMONS IN A CIVIL ACTION

Robert Rubin and Nancy Rubin

To: (Defendant's name and address)

Address for both Defendants:  
 625 Bodwell Street Extension  
 Avon, MA 02322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber  
 MIRIAM TAUBER LAW  
 885 Park Ave 2A  
 New York NY 10075  
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/8/2018

/s/ P. Canales

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* NANCY RUBIN, 625 BODWELL ST EXT.  
 was received by me on *(date)* 5/1/18 AVON, MA

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_

on *(date)* \_\_\_\_\_ : or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

, a person of suitable age and discretion who resides there.

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* BRAD RUBIN, V.P. WHITE MALE 55 Y.O, 5'9", 175-  
GREY HAIR, who is  
 designated by law to accept service of process on behalf of *(name of organization)* NANCY RUBIN

on *(date)* 5/4/18 1:00 PM : or

☐ I returned the summons unexecuted because \_\_\_\_\_

: or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 5/4/18

Mark Nicol  
 Server's signature

MARK NICOL - PROCESS SERVING  
 Printed name and title

PO BOX 889103  
MILTON, MA 02186  
 Server's address

Additional information regarding attempted service, etc:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein,

Plaintiff,

-VS-

Case No.  
17 Civ. 821 (JPO)

AFFIDAVIT OF  
MAILING

Carlos Rodriguez, John R. Burch, et al.

Defendants.

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COUNTY OF NEW YORK}ss:

Reginald Hunter, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at Bronx, NY:

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Sworn to before me this  
9<sup>TH</sup> day of May 2018.

  
Bruce Lazarus  
Lic. 1346142

  
NOTARY PUBLIC

MAUREEN I. MINTZER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02MI4827421  
Qualified in Westchester County  
My Commission Expires May 31, 2018